

resolution, and I thank him for managing the resolutions this afternoon on the floor. Again, I urge my colleagues to support this very important resolution.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in support of the H. Res. 795. The legacy of the events of September 11, 2001 still resonates today. We will never forget the harrowing experience of the loss of more than 3,000 lives that marked this national tragedy. We will never forget the events of that day, nor those who paid the ultimate price. We will forever remember how the country suffered profound sadness, the likes of which we as a nation hope to never experience again.

Madam Speaker, I recall vividly the intense emotions evoked as the attacks unfolded. The Nation watched in horror as two airliners crashed into the Twin Towers and brought down the World Trade Center. That horror intensified as we witnessed an attack on the Pentagon—and a crashed airplane in Pennsylvania. Horror turned to anger as it came to light that the attacks were the actions of hate-filled cowards who had no respect for human life. I remember too, that in the aftermath of these senseless attacks, we came together as a nation and with friends from around the world united in grief and sadness. That moment transformed our country and the world, as the resolve of our Nation strengthened and our principles hardened.

We remember the heroes from that day; those who ran into the danger, sacrificing themselves to save strangers. We remember the heroes from United Flight 93 who overpowered the terrorists and gave their own lives to prevent the deaths of countless others. We hope that their families can take some small measure of comfort knowing that Americans have made a permanent place for those heroes in our hearts.

As a Senior Member of the Foreign Affairs and Homeland Security Committees, I believe that we must continue to honor the fallen by working to prevent needless deaths. In the years since September 11, 2001, Congress has worked hard to make sure that such a tragedy will never happen again. In large part, we have taken heed of the advice of the 9/11 Commission and built a strong system to prevent future attacks.

Madam Speaker, I rise before this body to say that our work is not yet done. Our Nation's rail and mass transit lines continue to be vulnerable. Millions of Americans rely on our rail and mass transit for transportation. Terrorist attacks in Madrid in 2004 and London in 2006 indicate that transportation routes continue to be potential security threats. We must not let another tragedy occur.

Preventing terrorism at home begins with addressing terrorism abroad. We must engage nations that are susceptible to the influence of extremists and arm them with the tools to fight radicalism. That means not only providing weapons of war but also increasing education, improving living conditions, and increasing the capacity to govern. The struggle against terrorism will be won in the hearts and minds of people around the world.

Madam Speaker, I urge all members to join me in supporting H. Res. 722. Let us remember this day and the tragedy that befell the Nation by properly honoring the victims with our renewed commitment to America's security.

Ms. BORDALLO. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and agree to the resolution, H. Res. 795.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. BORDALLO. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 29 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1730

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SERRANO) at 5 o'clock and 30 minutes p.m.

#### MOTION TO INSTRUCT CONFEREES ON H.R. 2647, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

Mr. SKELTON. Mr. Speaker, by direction of the Committee on Armed Services, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2647) to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, to provide special pays and allowances to certain members of the Armed Forces, expand concurrent receipt of military retirement and VA disability benefits to disabled military retirees, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. FORBES. I have a motion at the desk, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Forbes moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on

the Senate amendment to the bill H.R. 2647 be instructed to not recede to the Senate on division E of the Senate amendment (regarding the Matthew Shepard Hate Crimes Prevention Act).

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Virginia (Mr. FORBES) and the gentleman from Missouri (Mr. SKELTON) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. FORBES. I yield myself such time as I may consume.

Mr. Speaker, it is truly a sad day as we come before the House today to have to even bring this motion to instruct conferees. But essentially what the motion to instruct conferees does is to simply make sure, when we're dealing with something as important as the Defense authorization bill, that we're dealing with the Defense authorization bill—that we're not saddling it with the hate crimes legislation which, sadly, is what we are now doing.

Mr. Speaker, across America, people are becoming more and more disillusioned by the processes that they see taking place here in the House of Representatives and down the hall in the Senate. And this is a perfect example of what that process has come to be, when we take a hate crimes legislation that should stand on its own accord, that has nothing to do with the Defense authorization bill, but we marry them together and saddle them and bring them to the House floor with the take-it-or-leave-it approach.

Mr. Speaker, we need to watch what's happening from this administration and unfortunately from the leadership in both the House and the Senate to destroy any even pretense of transparency anymore in the country.

I watched this year as we saw a sea change where so many of the policies have now led us to a point where our budget is driving defense posture instead of defense posture driving the budget. For the first time in my lifetime that I know of, this administration came down and literally issued a gag order to individuals in the Pentagon where they couldn't even talk to Members of Congress to tell us where they were cutting programs, where they were spending money, and to give us the reports that we needed, or even testify. In fact, the Army had to even cancel a hearing that it had before the Armed Services Committee because of that gag order.

In addition to that, Mr. Speaker, we have a situation where the law requires the administration to tell us a plan. How are you going to build ships? That just makes sense. Americans should know: How are you going to build ships? What's the plan? The law requires that they do it and certify that the budget meets that plan. They just refuse to do it because the law doesn't apply to them.

And then they came down with an aviation—they were supposed to give us an aviation plan. The law mandates

it. It's in the statute. Again, they have to tell us what are you doing with planes; how many are you building; what's your plan—and certify that that aviation plan is going to be met by that budget. Mr. Speaker, they just refused.

When the House Armed Services Committee came together and every Member unanimously passed a congressional inquiry mandating that the administration give us that information before this conference report came to the House today, that it was supposed to be here on September 15—they just refused to do it. And they look at every soldier across the country and say, The law applies to you, but it must not apply to us.

And then, Mr. Speaker, we come down today to the situation we're in where we just made a motion to go to conference. And as we made the motion, they are literally writing the bill now in legislative services at this very time, and we haven't even had some hearings—the Readiness Subcommittee never even had a hearing.

Mr. Speaker, what this motion to instruct simply does is this: It says you may not give us all of the information the law requires, you may not hold hearings that we need to get the facts straight, but for goodness sake, at least make sure that we do a Defense authorization bill. And if we're going to do hate crimes legislation, let's do it separately. This gives us a clean vote up or down on that.

Mr. Speaker, I reserve the balance of my time.

Mr. SKELTON. I reserve the balance of my time.

Mr. FORBES. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Speaker, once again we see shenanigans going on on the floor of the House. And the idea is that we're going to sneak stuff through, and we're going to use the good will and the support of the American public for our warfighters in order to pass some particular specialized agenda that has nothing to do with the warfighters at all.

This is not new this year. There was a big bill we passed—it was called cap-and-tax—3 o'clock in the morning. Three hundred pages of amendments passed. It came here to the floor for us to debate, and we are asking is there a copy of the bill on the floor? And the answer was no, there's not even a copy of the bill on the floor because of the fact we're going to do this in the dark of night with tricky little procedures.

And here we go with a bill that many of us have labored hard for. I have an important amendment on the bill, and yet what's going on? We're going to slip into this bill to fund—my own son, in fact, who's going to Afghanistan in 3 weeks—we're going to use the good will of the voters of America to slip into this thing a bill called hate crimes which has nothing to do whatsoever with what's being passed.

It is more of the same cloak and mirrors, dark of the night, slippery kind of stuff the American public is fed up with, and I am fed up with it. I have three sons that have graduated from the Naval Academy. I have two sons who are in the Marine Corps right now. This bill talks about funding them and funding the defense of our country, which I take very seriously.

But to put into this bill this hate crimes bill which has been, I think, kicked around the Judiciary Committee for years and to try to connect that with something that's unrelated is just procedurally wrong. It's something that is shameful. It should not happen on this floor. And in that regard, I refuse to vote for this bill in spite of the fact that the bill is good underneath.

Mr. SKELTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. JOHNSON).

Mr. JOHNSON of Georgia. Mr. Speaker, it's important to note that the hate crimes legislation has passed as a stand-alone bill in the House three times over the last decade, and now it's attached to a Department of Defense authorization bill. And I am happy, Mr. Chairman, to see this bill, which is an important and long overdue step in our continuing efforts to secure for all Americans the full blessings of liberty under our Constitution.

On several occasions, as I said, this bill has passed the House and the Senate. This year, with the support of the President, I am hopeful that we will finally see the bill signed and enacted.

Mr. Speaker, the incidence of hate crimes is continuing at a high rate. I think we've seen the degeneration of the level of political discourse in this country as it has descended into threats of misconduct and violence. I just want to point out a historical fact here because the incidence of hate crimes certainly is continuing at a high rate.

The incidence of brutal violence against individuals based on hateful bias against certain identifiable groups has unfortunately a long and shameful history in this country. For example, nearly 4,000 African Americans were tortured and killed between 1880 and 1930. In our day, since 1991—and I must confess to you, my days go back a little longer than that—but I must tell you that since 1991, there have been more than 118,000 hate crimes documented by the FBI. It has been 7,624 just in 2007. And those are only documented cases.

What this bill does, ladies and gentlemen who are viewing and listening to this message, it enables the Justice Department to come to the aid of State and local law enforcement agencies in investigating and prosecuting this bias-based brutality, and it helps to defer their cost when these kinds of crimes overwhelm State and local resources. And when necessary—and if approved by the highest Senate-con-

firmed department officials—it authorizes the department to step in and prosecute at the Federal level.

The bill expands existing Federal hate crimes law beyond the narrow confines of protecting access to a limited set of specified protected activities, and it adds to the current list of group characteristics deservedly recognized for protection—due to their being well-known targets for bias-based violence—four new ones that also clearly belong on the list: sexual orientation, gender, gender identity, and disability.

These crimes of violence are directed not just against those who are directly attacked—they are targeting the entire group with the threat of violence. No group should have to live under that kind of threat as they seek to go about their everyday duties and lifestyle here in America. Everyone should be protected.

So the groups in the bill differ from one another. They differ from other groups that some have been trying to add on which do not share this same kind of history of being targeted for hate-based violence.

Our approach is consistent with the judgment made by the States that have State hate crimes laws. They've made the same judgment as we have made for Federal law that many groups should be protected elsewhere in the law, not in hate crimes law. An argument is often made that since that is a State offense, the Feds should not get involved with it. But I'll tell you, the sale of drugs, State law violation, also a Federal law violation.

□ 1745

Our Federal criminal code mirrors sometimes the State laws, and other times State laws mirror Federal law when it comes to certain activities that are against the law. And so this is no different. Our approach is consistent with the judgment made by the States that have hate crimes laws, and this bill is definitely consistent with the Constitution.

It applies only to bias-motivated violent crimes. It in no way impinges on constitutionally protected speech, writing or other expression, including expression of religious beliefs, but not limited to that. That would be true in any event. But we state it plainly in the bill.

This bill has widespread support, over 120 cosponsors, and more than 300 civil rights, education, religious and civic organizations, including the NAACP, the ACLU and the Leadership Conference of Civil Rights.

Virtually every major law enforcement organization in this country has endorsed the bill, including the International Association of Chiefs of Police, the National District Attorneys Association; and most district attorneys that I know of are certainly not flaming liberals. They believe in the rule of law and they believe in adherence to it. When there is a criminal law violation, they will prosecute to the

full extent of the law. So that is very important. The National District Attorneys Association, the National Sheriffs Association, the Police Executive Research Forum and 31 State attorneys general endorse the bill. That is very impressive.

And it is supported by over 45 leading mainstream religious organizations, who dismiss claims that the bill would somehow interfere with religious speech "unfounded fears."

Enacting the Local Law Enforcement Hate Crimes Protection Act is a critical step towards keeping our communities safe from hate-based violence and ensuring that all Americans can enjoy the blessings of liberty without fear.

I urge my colleagues to support this important legislation.

Mr. FORBES. Mr. Speaker, the gentleman from Georgia talked about the rule of law. It is the rule of law that we are concerned with today, the rule of law that this administration refuses to obey with regard to sending us the documents and the information the statute requires so that we could make an intelligent decision about this conference report.

He talks about issues. Regardless of where you stand on this legislation, you could talk about transportation, space exploration, health care reform or immigration reform. But they have no place in the Defense authorization bill.

I just want to point out to the Speaker and to those listening to the debate, at 5:36 tonight we made the motion to go into conference. The report is already being written. It is a take-it-or-leave-it report. This is the only shot anyone will have at changing this report.

Mr. Speaker, I would like to yield 2 minutes to the distinguished ranking member from California, Congressman McKEON.

Mr. McKEON. Mr. Speaker, I thank the gentleman for yielding. And my good friend from Georgia that just gave a strong message of his support for hate crimes, I respect, and I have a strong feeling against it. But the issue that we are here on the floor talking about should be the defense of our Nation, especially when we are at a time of war.

While the Senate was considering the National Defense Authorization Act, division E was attached to the bill as an amendment. The NDAA is an inappropriate vehicle for this controversial and unconstitutional legislation. Hate crimes proponents are using this important national security bill to get this legislation to the President's desk through the back door.

This has no place on the Defense bill. It's not germane to the work of the committee, couldn't be added on in the House, had to be done in the Senate, and needlessly introduces a partisan matter in an otherwise bipartisan bill. We need a clean conference report that does honor to the men and women in uniform.

There is one thing that we all agree on, and that is that violent crime is deplorable, regardless of its motivation. That is why all violent crimes must be vigorously prosecuted. However, a decision to prosecute should not be based on the status of the victim or the thought process of the perpetrator. Violence is violence and should be dealt with accordingly.

We've had several meetings of the so-called "big four" talking about working on the conference report on this committee. Chairman SKELTON and I were in agreement on this issue. We felt that it should not be added to the conference report. This bill passed in the House. It passed in the Senate. I don't know why they can't bring it to the floor as a freestanding bill and have it pass on its own. Why we need to attach it to a Defense bill is because the Defense bill needs to be passed, and people will vote for it.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. FORBES. I yield the gentleman 30 additional seconds.

Mr. McKEON. I think it's a crime to add it to a bill that is so important that we pass every year for our troops, for those men and women in uniform, that we have to muddy up the issue by putting a hate crimes legislation attached onto this bill.

Mr. SKELTON. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK) who is the distinguished chairman of the Financial Services Committee.

Mr. FRANK of Massachusetts. Mr. Speaker, I agree: it makes no more logical sense to add a hate crimes bill to the Defense bill than it would to take a bill requiring people to be allowed to use their guns in the national parks to a credit card bill. But that's what the Senate did. The Senate added a bill dealing with the rights of gun owners in the national parks to the credit card bill with which there was no logical connection.

Now, I wish the Senate wouldn't do things like that. I wish a lot of things. But when we are confronted with the reality of the Senate, we have to act.

Now, it is conceivable that you would have people who are so devoted to the principle of having no illogical attachment that they would oppose it in every case. I must have been in the Cloakroom when Republicans rose to denounce the Senate for adding the bill allowing the use of guns in parks to the credit card bill. That was done. Not a single Republican, to my recollection, objected. Indeed, quite to the contrary, they all voted for it, which makes it very clear: the objection here is not to the Senate adding an unrelated bill, because the Republicans in this House have voted for that time and time and time again. It is an objection to protecting against hate crimes people who are gay, lesbian, bisexual or transgender.

Now, some say we shouldn't have these hate crimes laws. But their in-

consistency is I don't remember them trying to repeal the hate crimes laws that are on the books. There is nothing new about hate crimes here. There is nothing new about its constitutionality. By the way, if you say violence should be violence, how about somebody having the intellectual integrity to get up and repeal that statute that says, if someone assaults someone standing next to me, it might be a misdemeanor, but if somebody assaults me, a Member of Congress, it's a Federal felony. We have a major distinction. We are protected by special laws, older people, people who are religious. Then they say, it's a matter of choice. The level of intelligence involved in thinking that being gay or lesbian is a matter of choice aside, religion is a matter of choice. People convert to religions. Does that mean we shouldn't protect people against hate crimes based on religion?

Finally, we are told this is being sneaked through. One of the earlier speakers, in a total flight from reality, said it is being sneaked through. It passed the House. It was debated. It went through the regular committee process, and it passed the House. Yes, from time to time, the United States Senate, which has no rules preventing it, adds unrelated bills. If there are Members who have consistently opposed that practice, they have the right to oppose it here and say that is the reason.

But Members who have voted for legislation which the Senate attached to unrelated legislation who claim now to be offended by that practice clearly have no logical or other basis on which to make that claim.

There are people who do not think we should add a very vulnerable category, particularly people who are transgender, to the hate crimes protection. They lost that fight when we had it in the House. I would have had it come up again, but it is clearly just another example of another time-tried practice.

Mr. FORBES. Mr. Speaker, I continue to scratch my head as I listen to the distinguished gentleman from Massachusetts who argues that just because the leadership of the House and the leadership of the Senate have followed the process time and again that the end justifies the means and that we ought to do it all the time.

But I would point out to the gentleman that this is not all the time. This is not a credit card bill. This is the national defense of the United States of America. It is our very freedoms. And we need to understand that just because some of us have had to vote on bills where we had no opportunity to debate them, where we didn't have time to read them and where we didn't have time to amend them doesn't make it right. And in this particular case, it doesn't make it right because the reality is only two individuals, the chairman of the Armed Services Committee and the chairman of

Senate Armed Services Committee, had to agree to put this in. They might be good men. They might have done it for good reasons. It was wrong. This is the only way to stop it.

I yield 3 minutes to the gentleman from Texas, the representative to the conference report, had we been able to have him meet earlier, Mr. GOHMERT.

Mr. GOHMERT. Mr. Speaker, I do appreciate my friend from Massachusetts comparing the national parks bill to our national defense bill. But I see a real distinction in holding our soldiers' well-being hostage to this sociological attack on what used to be the morals of America. And for those who say this is critical, and I heard my friend from Georgia talking about how these crimes have increased, actually, the crimes, according to the FBI, have decreased regarding hate. So there are no statistics that demand this bill be attached and that our soldiers be held hostage for this bill.

And then we have the name of the bill, the Matthew Shepard and James Byrd Hate Crimes Prevention Act. Those were horrible murders, and the people who perpetrated them deserve, in my opinion, to get the death penalty all. But this bill does not provide a death penalty. In fact, this bill will not change the outcome of those cases one iota.

In the Texas case, James Byrd, it would be fine with me if we passed a bill that said when you do what was done to James Byrd, then the victim's family gets to choose the vehicle and the rope or chains by which they are going to drag the defendant to his death. But this doesn't do that. In the Matthew Shepard case, the defendants now say it was a robbery gone bad. Regardless, they got life sentences, a couple of life sentences. This bill wouldn't have changed that whatsoever at all either.

Now, there are those who say it will not affect religious speech; but when we have debated this bill and people have looked at it carefully, you see that this situation can arise: a preacher preaching from the Bible, a rabbi preaching from the Tanach, or an imam teaching from the Koran says in his opinion homosexuality is wrong. Some nut hears him, goes out and commits an act of violence, and when arrested says, well, I was induced to do this by the preacher, the imam or the rabbi.

Well, under 18 U.S.C. 2(a), it says that anyone who induces another to commit a crime is just as guilty as the one who committed it. That's where the preacher, the imam, or the rabbi could be arrested.

And I appreciate in prior debate my friend from Massachusetts pointed to the folks in Philadelphia and said, well, they were arrested but the charges were dropped. Arresting and detaining has a chilling effect. There's no two ways around it.

□ 1800

Mr. SKELTON. I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. So little time, so many fallacies. The first fallacy is that we were not comparing the credit card bill to the defense bill; we were talking about a regular practice. It wasn't just the credit card bill. Regularly for years the Senate does this, and no Republican has ever risen to object to it. Their objection is not to the procedure, but to the substance. Nothing is being held hostage. The bill will pass or fail. If it failed because of this, it would come back without it.

Secondly, the gentleman's last point is simply nonsensical: one arrest that was inappropriate. There have been other inappropriate arrests. Hate crimes bills have been in effect, hate crimes laws, at the Federal and State level for years. There is zero example of that happening. There is an amendment offered by the gentleman from Kansas that makes it impossible.

When people use wholly irrelevant arguments against the bill, it means that they can't find a real argument that they want to use.

Finally, the gentleman from California, the ranking member said, don't have these hate crimes, violence is violence, or one of the Members said that. I guess then he is opposed to that amendment which prohibits a tax on U.S. servicemen on account of service because that is in here. There is in here a provision that protects servicemen who are attacked on account of service. If you are opposed in principle to that, then you ought to be opposed to that in general.

It is clear there is an animus against those of us who are gay or lesbian, against people who are transgender, on the part of many in the House, and they are reflecting a strong political sentiment in the country. They are entitled to it. I do not lament the loss of their friendship and affection; I can live without it. But it should not lead them to deny protection to vulnerable people, and we are talking here about crimes, not just murder, but about assault and destruction of property which are too often ignored.

So let's be very clear. There is no consistency to the argument about the procedure. There is no consistency to the argument about hate crimes. There is no validity whatsoever to the argument that some clergy would be arrested or prosecuted because none have been. This is simply a declaration of unhappiness that gay, lesbian, bisexual, and transgender people are getting some protection.

Mr. FORBES. Mr. Speaker, we can pound on the desk all day long. We can say stuff about consistency, but the reality is the American people understand what is going on. They understand that it doesn't make sense, no matter whether they like it or don't like it, to have a hate crimes legislation attached to the National Defense

Authorization bill. They understand that it doesn't make sense to put bills on the floor when people don't have an opportunity to read them before they vote on them.

They understand it doesn't make sense to not give time to amend bills. And, Mr. Speaker, they understand that when you go into a motion to go into conference at 5:36 and you have already begun writing the report and this is the only way to keep this bill clean for the defense of the country, that it makes sense that this motion to instruct would pass.

I reserve the balance of my time.

Mr. SKELTON. Mr. Speaker, I yield 4 minutes to my friend, my colleague, the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Let me thank the distinguished gentleman from Missouri and let me particularly thank Chairman SKELTON for his open view as he fights for the men and women in the United States military. Your long years of history are appreciated, and I stand here to acknowledge that. Thank you for giving us this opportunity this afternoon.

I just want to say to my good friend from Virginia, to address the American people as we address our colleagues today, I count the American people as the smartest constituency that the world could know. They are compassionate. They are passionate. They are patriots. They love their country, and they understand a mother's love.

So let me explain to you procedurally so you would know that nothing has gone awry, has gone wrong, and no hostage-taking has taken place.

The hate crimes legislation, in particular named Matthew Shepard Hate Crimes Prevention Act, has been introduced and introduced and introduced in some form. Chairman CONYERS on the Judiciary Committee, of which I am a member, has introduced hate crimes legislation. I have introduced hate crimes legislation. We have seen hate crimes legislation pass 237-180, bipartisan.

But if you think of the armed services or the military authorization bill, just in your mind get a sense of the oath that our men and women of the United States military take as they affirm their allegiance to the United States. It is to protect every single citizen. Just this past weekend, I was privileged to be part of the send-off for the 72nd Combat Brigade in Texas, some 3,000 men and women as they take their oath, as they go off to be deployed, they are fighting for the freedom of this Nation.

The Matthew Shepard Hate Crimes legislation is about the freedom of every citizen. This was not an ordinary burglary. If you had the opportunity to meet Matthew Shepard's mother, as I have, as she pressed the case over and over again, this was a violent, heinous, hateful crime, the description of which was so painful for someone to be nailed on some open field fence to die with no

one there. That is a hate crime. And the Senate, who has reviewed and had the opportunity for hearings, as we had in the House, is doing nothing more than procedurally adding an already passed bill by both of these institutions that captures the characterization of what freedom in America is all about.

There have been 118,000 hate crimes since 1991, but the real key is most of the hate crimes go unreported. And they are all shapes and sizes. They are for race, they are for gender, and they are for sexual orientation. But every single one of these individuals is an American who is to be protected under the flag of the United States of America.

We do not ask citizens what their pedigree is. But if they are under this flag, they deserve our protection, and what better vehicle than this bill that has been reviewed and reviewed and reviewed and reviewed? The FBI knows that there have been hate crimes, and they are saddened by the fact that most of these hate crimes are not prevented and/or reported.

Just as we had attacks on churches some years ago because they were black churches, and we passed the Church Arson Prevention Act of 1996, it cured those church crimes because the Federal Government took its stand.

So I would say to my colleagues, understand the connection. What more is the United States military than the free and the brave protecting with courage any American that is within the boundaries of this Nation, giving them the sense that they can walk in dignity so mothers don't have to cry over brutalized bodies that are laid upon a fence because they are different.

I would ask my colleagues to oppose this conference motion and vote for the Matthew Shepard Hates Crimes Prevention Act so we can stand for freedom and bravery.

At one time lynchings were commonplace in our nation. Nearly 4,000 African-Americans were tortured and killed between 1880 and 1930. During this same period and thereafter, religious groups like Jews and the Mormons were also subject to attack because of their beliefs. As we all know too well, hate violence against minority groups—most recently focused on gay, transgender and Muslim communities—has a long and ignominious history that continues even today.

Bias crimes are disturbingly prevalent and pose a significant threat to the full participation of all Americans in our democratic society. The FBI has the best national data on reported hate crime, though the program is voluntary. Since 1991, the FBI has documented over 118,000 hate crimes. For the year 2007, the most current data available, the FBI compiled reports from law enforcement agencies across the country identifying 7,624 bias-motivated criminal incidents that were directed against an individual because of their personal characteristics.

As in the past, racially-motivated bias accounted for more than half (50.8%) of all incidents. Religious bias accounted for 1,400 incidents (18.4%) and sexual orientation bias accounted for 1,265 incidents—(16.6%), followed

by ethnicity/national origin bias with 1007 incidents—(13.2%). While these numbers are disturbing, it is important to note that, for a variety of reasons, hate crimes are seriously under-reported.

To protect the nation against this hate violence, I have introduced Hate Crimes legislation for many many years, with ever increasing support. This legislation will provide assistance to state and local law enforcement agencies and amend federal law to facilitate the investigation and prosecution of violent, bias-motivated crimes. Last Congress, this legislation was approved by this Committee and passed the House with bipartisan support by a vote of 237–180. Bipartisan majorities also voted in favor of hate crime legislation in the 109th, 108th and 106th Congresses.

The bill has attracted the support of over 300 civil rights, education, religious, and civic organizations (including the LCCR, HRC and ADL). Importantly, virtually every major law enforcement organization in the country has endorsed the bill—including the International Association of Chiefs of Police, the National District Attorneys Association, the National Sheriffs Association, the Police Executive Research Forum, and 31 state Attorneys General.

Despite the deep impact of hate violence on communities, current law limits federal jurisdiction over hate crimes to incidents directed against individuals on the basis of race, religion, color or national origin—but only when the victim is targeted because he/she is engaged in a federally protected activities, such as voting. Further, the statutes do not permit federal involvement in a range of cases where crimes are motivated by bias against the victim's perceived sexual orientation, gender, gender identity, or disability. The federal government must have authority to be involved in investigating and prosecuting these crimes when state authorities cannot or will not do so.

This legislation will strengthen existing federal law in the same way that the Church Arson Prevention Act of 1996 helped federal prosecutors combat church arson: by addressing the unduly rigid jurisdictional requirements under federal law. The bill only applies to bias-motivated violent crimes and does not impinge public speech, religious expression, or writing in any way. In fact, the measure includes an explicit First Amendment free speech protection for the accused modeled on the existing Washington state hate crimes statute.

State and local authorities currently prosecute the overwhelming majority of hate crimes and will continue to do so under this legislation. The federal government will continue to defer to state and local authorities in the vast majority of cases; the Attorney General or other high ranking Justice Department official must approve any prosecutions undertaken pursuant to this law, ensuring federal restraint.

However, in appropriate circumstances, the federal government will be able to provide support for local prosecutions—an intergovernmental grant program created by this legislation will make Justice Department technical, forensic or prosecutorial assistance available. The legislation also authorizes the Attorney General to make grants to state and local law enforcement agencies that have incurred extraordinary expenses associated with the investigation and prosecution of hate crimes.

The Local Law Enforcement Hate Crimes Prevention Act of 2009 is a constructive and

measured response to a problem that continues to plague our nation. Hate crime statistics do not speak for themselves. Behind each of the statistics is an individual or community targeted for violence for no other reason than race, religion, ethnicity, sexual orientation, gender, gender identity, or disability.

Law enforcement authorities and civic leaders have learned that a failure to address the problem of bias crime can cause a seemingly isolated incident to fester into wide spread tension that can damage the social fabric of the wider community. This problem cuts across party lines, and I am glad to be joined by so many of my colleagues on both sides of the aisle in supporting this legislation today. These are crimes that shock and shame our national conscience and should be subject to comprehensive federal law enforcement assistance and prosecution.

Mr. FORBES. Mr. Speaker, the gentlelady from Texas makes a good point when she references the fact that Americans understand a mother's love, and they also understand a few other things. First of all, they understand fairness. They understand it is not fair when only two individuals get to make a choice that impacts all of America as opposed to having a bill voted on on its own merits.

They also understand when there is always this disconnect between the rhetoric over here—what's the problem—and the solution or the fix over here, and the huge disconnect between the two. And they also understand, Mr. Speaker, just something that so often it just seems that there is a dearth of here, and that is common sense. Because if the speakers keep coming up and saying how overwhelmingly this bill has support and would pass, why don't they bring it in a separate bill? Why do they have to go through this subterfuge of the process of putting it on a bill that clearly isn't germane?

I would like to just respond to the question that was raised: What better vehicle? This legislation has never been under the jurisdiction of the Armed Services Committee. It has always come under the jurisdiction of the Judiciary Committee, and the reason is because the proper vehicle is a vehicle that goes through the Judiciary Committee and is a separate bill.

I continue to reserve the balance of my time, Mr. Speaker.

Mr. SKELTON. Let me point out, Mr. Speaker, under the new title 18 of United States Code section 1389, one of the classifications is Prohibition on Attacks on U.S. Servicemen on Account of Service.

Let me also point out this legislation includes the Brownback amendment which fully protects religious speech under the First Amendment, which says that nothing in this bill will burden religious speech or expression, including sermons from the pulpit on Sundays.

I yield 4 minutes to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Thank you, Chairman SKELTON.

I rise today in opposition to the minority's motion to instruct. As my colleagues know, hate crimes are acts of violence, motivated by hate and prejudice in which the victim is selected and targeted based upon a characteristic, such as their race, their religion, sexual orientation, or gender identity. Hate crimes have the consequence of harming not only their victims, but also all who share the same characteristics as the victim. Whole communities are terrorized by hate crimes.

In 1968 in response to horrific hate-based violence in our country, cross burnings, lynchings, fire bombings and the like, Congress acted to protect people who were targeted for violence on the basis of their race, color, religion, and national origin by passing our Nation's original hate crimes laws.

In April of this year, the House passed the Local Law Enforcement Hate Crimes Act of 2009 by a strong and bipartisan margin, strengthening our response to this form of domestic terrorism by adding protections for people targeted for violence because of their gender, disability, gender identity, or sexual orientation. We sought to add these new categories to the hate crimes statutes because of a history and a pervasive pattern of heinous violent crimes committed against individuals because of these characteristics. Yet the Local Law Enforcement Hate Crimes Act of 2009 is not yet law, and this motion to instruct would prevent it from becoming law, despite the support of the majority of the House and the majority in the other body and President Obama.

Mr. Speaker, I want to share with you a few reasons why I believe this legislation must urgently be signed into law. I am thinking today of Angie Zapata, an 18-year-old transgender woman who was brutally murdered in Greeley, Colorado, last summer. Angie's killer beat her to death. Thankfully, Angie's killer was brought to justice under a State hate crimes law, but we know with staggering frequency, those who commit similar acts of violence and murder based on hate are not.

I think of Lawrence King, a 15-year-old in Oxnard, California. Larry had suffered harassment from his peers and then was killed by a 14-year-old classmate because of his sexual orientation and gender identity.

And I think today of Matthew Shepard who was brutally attacked by his homophobic assailants and left to die on a fence in Wyoming 10 years ago. Matthew's death generated international outrage by exposing the violent nature of hate crimes and the horrific effect upon targeted communities. And I think of the thousands of other victims of brutal hate crimes. The Department of Justice reported that over 1,500 Americans were victims of hate crimes based on sexual orientation in the year 2007.

Americans across the country, young and old alike, must hear Congress

clearly affirm that hate-based violence targeting gays and lesbians and transgender individuals, women, and people with disabilities will not be tolerated.

Mr. Speaker, the arguments have been made, the evidence has been proffered, and, sadly, lives have been lost that more than justify this legislation becoming law. I strongly urge my colleagues to vote against this motion to instruct.

The SPEAKER pro tempore. The Chair will note the gentleman from Missouri has 8½ minutes remaining. The gentleman from Virginia has 14 minutes remaining.

Mr. FORBES. Mr. Speaker, I just want to respond to what the distinguished gentleman from Missouri said a moment ago, who is my dear friend and I hope will be my dear friend after today as well. He mentioned that this bill has a protection for individuals who were addressing their religious beliefs, and he mentioned that the Brownback amendment had been part of this, as I understood his referencing. In point of fact, the Brownback amendment nor the Leahy addition to the Brownback amendment contained what this report language says, which is this, Mr. Speaker. It says that they will be protected unless the government demonstrates that application of the burden to the person is in furtherance of a compelling government interest.

Mr. Speaker, I don't think most people across the country are going to trust that language to their religious protections, and I will just give you an example. The Constitution, which has no such limitations, also protects our right to freedom of religion, and yet 2 weeks ago we saw the government haul into Federal court for criminalization a principal who had worked in a school system 30 years and an athletic director for 40 years because of their great sin that they had a compelling government interest against, that they dared to ask a 15-second blessing over a meal.

□ 1815

And for that they went through an all-day hearing with the threat of 6 months in jail, a \$5,000 fine, and losing retirement benefits for 30 to 40 years. So I would just suggest, Mr. Speaker, this language is not nearly as protective as the Brownback amendment or the additional modifications in the Senate. And again, the only shot we have to change it will be right here, because the report's being written, and when it comes back it's going to be a take-it-or-leave-it basis. I hope that we will offer this instruction to the conferees.

I reserve the balance of my time.

Mr. SKELTON. I yield 4 minutes to my friend, my colleague, the gentleman from New York (Mr. NADLER).

Mr. NADLER of New York. Mr. Speaker, I rise in opposition to this motion to instruct conferees. For too long we have debated whether this Na-

tion should take a stand against the scourge of hate crimes, crimes of violence in which the victim has been singled out because of who he or she is. It is remarkable that at this late date this should remain a controversial idea. The idea that someone could be singled out for a crime of violence because of his or her actual or perceived race or religion or color or gender or sexual orientation or gender identity or disability is simply disgusting. These crimes are real and they're all too frequent. That is a fact. It is not, as some would have you believe, a hoax.

Here are the most recent statistics from the FBI. In 2007 there were 7,621 violent hate crimes, 51 percent because of racial bias, 18 percent because of religious bias, 17 percent sexual orientation bias, 13 percent because of ethnicity or national origin bias, and 1 percent because of a bias against a disability. Those are real Americans being victimized because of who they are and not for anything they did. And when you victimize someone for who they are you are terrorizing an entire community. It sends a clear and unmistakable message that members of that group are not safe in your community. It extends well beyond the individual victim.

This House has already spoken clearly. On April 29 of this year, a bipartisan majority voted by a margin of 248-175 to pass this legislation. I do not believe that Members of this House will now turn their backs on that historic vote. If you believe it was right to vote for this legislation, then you know you have the chance to make it law and to make history. The Hate Crimes Prevention Act will in no way undercut the other purposes of this Defense bill. In fact, by protecting all Americans from the scourge of violent hate crime, we will be making everyone more secure.

A new section added by the Senate prescribes severe penalties for anyone assaulting a member of our military or destroying their property because of that person's being a member of the Armed Forces. I happen to think that's an important addition. I hope there won't be a single Member of this House who will fail to support that provision against hate crimes against the military. I certainly think it belongs in this bill. I also want to be sure everyone understand that this bill contains express safeguards against prosecutions based on someone's speech or religious beliefs. This legislation applies only to acts of violence.

And despite the statement a moment ago, the fact that somebody ignorantly arrested someone against the law and that the charges were subsequently dismissed says nothing about the validity of the law. Every crime requires that the government prove some element of intent, and we punish crimes differently based on the criminal's intent. Shooting someone as a crime of passion is not treated the same way as shooting someone in a murder-for-hire



scheme, and it is certainly not the same as an accidental shooting. The law makes these distinctions, as it should. This does not make murder for hire a thought crime. Society simply judges such crimes more harshly, and it is right that we do so. It is the same with hate crimes. These are particularly disgusting crimes and they deserve to be treated differently than other assaults or murders. I realize that not everyone believes this, but there is a growing social consensus on this point, both in the States and at the national level.

For many years this Congress sat on its hands and refused to pass anti-lynching laws. Many of the same arguments we heard then against anti-lynching laws we are hearing now against this provision. It was a disgrace then. It is a disgrace now. It was a disgrace that we did not act then. It would be a disgrace if we do not act now. It would be a disgrace if we pass this motion to instruct conferees. I urge rejection of this motion.

Mr. FORBES. Mr. Speaker, the distinguished gentleman from New York is very conversant on this topic, as well he should be, because he sits on the Judiciary Committee, where this legislation normally comes, and I think that's where it properly should be. However, I would suggest two things. First of all, that the very rule of law that will be needed to enforce these provisions becomes meaningless when you look at the administration's refusal to comply with the law to even give the information needed to vote on this conference report, as they did by refusing to give the shipbuilding plan and the certification of the aviation plan and the certification.

And then to make the statement that the fact that someone improperly charges someone says nothing about the law misses the whole chilling effect that that has. When you have that possibility out there, many individuals are then very concerned about exercising their rights because they're concerned even if it's improperly, that the government will come in and do something that they're going to have to spend thousands and thousands of dollars and have that hanging over their head just to prove what they should never have had to prove.

Mr. Speaker, I continue to reserve the balance of my time.

Mr. SKELTON. I have no more speakers, but I reserve the balance of my time.

Mr. FORBES. Mr. Speaker, I would like to yield 2 minutes to the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Speaker, I have sat here and listened to this debate, and I've heard all kinds of reasons why the hate crimes bill is so wonderful. But the more they make the argument, the more confusing the question becomes. If this bill is so wonderful, why don't we bring it to the floor and just vote on it and pass it? Why, instead, are we going to stick this bill together with a

bill for funding our national defense? The two don't belong together. They're not in the same committee. They have nothing to do with each other. What they have in common though is the fact that, instead of taking a straight-up vote, what we're going to do is we're going to hold everybody who depends on national defense, the people such as myself, who has a son going to Afghanistan in 3 weeks, they're going to hold us hostage.

We're going say, look, if you want to fund the national defense of the United States of America, you're also going to have to vote for this hate crimes bill. And one thing that my good friend from Virginia has made clear, and that is the public is starting to see through the shenanigans that go on in this place. And this is an extremely frustrating situation. It wasn't so many weeks ago that at 3 o'clock in the morning we passed a 300-page amendment to a bill that we were discussing the next day, and there wasn't even a copy of that bill in this Chamber, the cap-and-tax bill.

And here we are, again, with a bill which is on national defense. It's actually a fairly decent bill on national defense, and we're going to stick on this something that has nothing to do with it. I could speak on hate crimes, but the point of the matter is if everybody's who's saying hate crimes is such an important piece of legislation, let's bring it up on its own bases. Let's see if it will stand on its own base.

No, instead what we're going to do is we're going to sneak it through, and we're going to put it in so that anybody who wants to vote for national defense now is stuck having to support hate crimes. This is not the way this House should be run. The American public doesn't like to care about procedure, but they're getting fed up with this.

Mr. SKELTON. How much time do I have remaining, please?

The SPEAKER pro tempore. The gentleman has 5 minutes remaining, and the gentleman from Virginia has 8½ minutes remaining.

Mr. SKELTON. Mr. Speaker, let me first thank the gentleman from California (Mr. McKEON) for his efforts in the Defense authorization bill this year. It's important that I do so because he's been a great partner. He's been jumping in with both feet as ranking member from the day he began serving as ranking member. At a time when the Department of Defense is fighting two wars and simultaneously promoting and serving America's strategic interests around the world, I'm proud to say that our Congress is nearing completion on a strong and effective Defense authorization bill.

The bill that this House approved overwhelmingly on June 25, like its Senate counterpart, reflects the Congress' deep commitment in supporting American servicemembers and providing the necessary resources to keep

our Americans safe. Both bills provide our military personnel with a 3.4 percent pay raise, an increase of .5 percent above the President's request. The House bill also includes a number of initiatives to support military families this year, which, of course, is the Year of the Military Family. We fully fund the President's overall budget request, and worked hard to provide robust funding for military training, equipment, maintenance and facilities upkeep.

The House bill continues the commitment to oversight of the wars in Afghanistan and Iraq, which has been a hallmark of our committee, as well as personal pride on my behalf. The bill also works to equip and modernize our military forces and extend our acquisition reform efforts which we passed a substantial bill here earlier this year.

With that, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank the chairman for yielding. It is certainly important to look at the procedure, Mr. Speaker, by which any piece of legislation comes to the floor. But I think it's more important to look at the substance. And hopefully later this week, this body will have an opportunity to work its will on a piece of legislation that strengthens our country, that increases what we pay our troops, that improves the respect that we show to their families, that protects our country against threats, both present and in the future. Now, the purpose of what's on the floor right now is to make a procedural point about whether or not legislation that deals to protect Americans against hate crimes should or should not be included. I believe that should be. And I think those who would argue that there's something irregular or unfair about that procedure are respectfully incorrect in two respects.

The first is that before such a provision would be included in the final conference report before this House, the House will have to work its will on a rule. And if a majority of the Members believe that that rule is fair, then we will proceed. If a majority of Members believe the rule is not fair, we will not and have a different procedural setting. So there will be that opportunity for every Member of this House to take his or her position. Secondly, the hate crimes legislation has been thoroughly vetted in this Congress in hearings before the committees of jurisdiction, in markups in those committees and voting sessions in those committees, and on this floor repeatedly. There's nothing new, undebated, untested or unusual in the substantive legislation that will be before us.

So I believe that the right thing to do is to proceed with the plan that would include this legislation. But frankly, the majority of this House will get the chance to work its will as to whether we do that or not. I, for one, will be voting to proceed on that basis. Those who disagree will have a chance

to have their day on this floor, and the majority will work its will.

Mr. FORBES. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, we had one friend across the aisle cite the 2007 statistics. The trouble is you go back 10 years, 20 years and you see that the crimes being conducted, taking place based on any type of hatred, are diminishing, so that is not a valid argument. There are no limitations on the definitions. There should have been. In committees, we tried to get them so pedophiles would be included. But we had another friend say, this is only about acts of violence. And as my friend here from Virginia pointed out, there is an "unless" there. And that's where the law principles, 18 U.S.C. 18(a), comes into play. If you induce someone to commit a crime, that's the government interest; it will be used, and that's why you heard a national anchorperson say about the Matthew Shepherd crimes, Gee, I wonder if people like James Dobson induced that crime. This is not where we need to go in defense of this country.

□ 1830

Mr. SKELTON. I yield back the balance of my time.

Mr. FORBES. Mr. Speaker, may I inquire as to how much time I have remaining?

The SPEAKER pro tempore. The gentleman from Virginia has 7½ minutes remaining.

Mr. FORBES. Mr. Speaker, we heard the distinguished gentleman from New Jersey essentially say this: It's more important to look at the substance of the bill than to worry about the rules. And how many of us have been tempted to ask that same question throughout our lives—isn't it more important that I look at the end than I consider the means?

But, Mr. Speaker, I plead with us, be careful when you go there, because those rules are designed to protect the majority and to protect the minority. And when we start saying, The rules don't matter; the process doesn't matter; it's just the end game, we get to where we're moving to in this country.

I want to come back to what the distinguished gentleman, the ranking member of the Armed Services Committee from California, said. I didn't hear my good friend, the chairman of the committee, correct him—so I must assume it's correct—when he said that both of them agreed that this legislation should not be in the conference report.

If in fact that is true, Mr. Speaker, and I have no reason to doubt it, then why is it in here? We have to ask, Why place it in here?

Mr. Speaker, I come back because here's what we're going to hear. There's going to be people that come in here and they're going to recount over and over again all the great things that are in this bill and why can't we just do

one thing that shouldn't be in the bill and one thing that's wrong.

Well, Mr. Speaker, I want to come back and I want to tell you a story about an individual that I knew 20, 30 years ago. He was a big, strapping guy. He was a football player. And I remember talking to him years before when I was in college. He had never told me the story.

One day he came up and he said that he had watched as he came into his house when he was a young boy over and over again and his father would come in and his father would end up slapping his mother in the face and sometimes hitting her. And he would sit there in awe at that process, watching it happen. And every time, as the father looked to the children, he'd then back off and he would say, Wait a minute. I'm sorry. That was a bad thing to do. But remember all the good things I've done. Remember, I went to work today and I earned money and I brought it in here and I put it on the table so that you could eat. I paid for your Christmas presents. I'm saving money for your college tuition. Remember the good things and overlook that bad thing.

And day after day and month after month he watched that, until all of sudden he became a senior in high school and he had picked up a lot of stature. One day, his father walked into the house and slapped his mother. And he stood up and the man turned around to him and said, Remember; remember all the good things that I've done. And he started recounting them.

And that young senior reached over and picked up his father and said, There aren't enough good things in the world to justify what you've done to my mother. And, Mr. Speaker, he looked at the door and he opened it and he said, You go out that door and don't ever come back again. And that's what his father ended up doing.

Mr. Speaker, I would say today, all across America, Americans are standing up and they're looking at us and they're tired of us walking in here and saying, Forget the bad things we're doing. Forget what we're doing to America. Remember the good things. Look at this; look at this; look at this.

And one day, I don't know when it's going to come, but they're going to stand up with the stature and look us in the eye and they're going to say, There aren't enough good things in the world to justify what you're doing to America and to my country. There's the door. You go out and don't come back.

Mr. Speaker, I only pray that that comes sooner rather than later so that we have a country that they remember.

This is wrong. I hope that we will pass this motion to instruct.

I yield back the balance of my time. The SPEAKER pro tempore. All time for debate has expired.

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. FORBES. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 2997, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Mr. PERLMUTTER, from the Committee on Rules, submitted a privileged report (Rept. No. 111-287) on the resolution (H. Res. 799) providing for consideration of the conference report to accompany the bill (H.R. 2997) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### MOTION TO CLOSE CONFERENCE COMMITTEE MEETINGS ON H.R. 2647, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

Mr. SKELTON. Mr. Speaker, pursuant to clause 12 of rule XXII, I move that meetings of the conference between the House and the Senate on H.R. 2647 may be closed to the public at such times as classified national security information may be broached, provided that any sitting Member of Congress shall be entitled to attend any meeting of the conference.

The SPEAKER pro tempore. Pursuant to clause 12 of rule XXII, the motion is not debatable, and the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to authorize closure of conference meetings will be followed by 5-minute votes on the motion to instruct conferees and suspending the rules with regard to House Resolution 707.

The vote was taken by electronic device, and there were—yeas 405, nays 7, not voting 20, as follows:

[Roll No. 753]

YEAS—405

Abercrombie	Austria	Bean
Ackerman	Baca	Becerra
Aderholt	Bachmann	Berkley
Adler (NJ)	Bachus	Berman
Akin	Baird	Berry
Alexander	Baldwin	Biggart
Altmire	Barrow	Bilbray
Andrews	Bartlett	Billirakis
Arcuri	Barton (TX)	Bishop (GA)